

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/233,691	01/19/99	BATEMAN	

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EXAMINER  
HEINZ, AART UNIT  
2754

PAPER NUMBER

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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/233,691

Applicant(s)

**B. BATEMAN ET AL**

Examiner

A. J. HEINZ

Group Art Unit

2754

 Responsive to communication(s) filed on \_\_\_\_\_. This action is **FINAL**. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims** Claim(s) 1-21 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

 Claim(s) 20 and 21 is/are allowed. Claim(s) 1-19 is/are rejected. Claim(s) \_\_\_\_\_ is/are objected to. Claims \_\_\_\_\_ are subject to restriction or election requirement.**Application Papers** See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner. The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved. The specification is objected to by the Examiner. The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119** Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). All  Some\*  None of the CERTIFIED copies of the priority documents have been received. received in Application No. (Series Code/Serial Number) \_\_\_\_\_. received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

 Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)** Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ Interview Summary, PTO-413 . Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152**-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --**

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1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The Title should provide a more detailed structural identification of the feature or features which distinguish the invention from the prior art. The intended results produced by the structural differences can also be part of the content of the Title.

2. The drawings are objected to because there are numerous inconsistencies between the drawings and the specification; e.g. Fig.1C shows element/system 110 which neither agrees with the specification [drive assembly] or abstract [hub assembly] or Figs.2 or 2A. Correction is required.

The informal drawings are not of sufficient quality to permit examination. Accordingly, new drawings are required in reply to this Office action.

3. The abstract of the disclosure is objected to because it fails to provide a more detailed indication of the feature or features to which the instant invention is directed and/or distinguish it from the prior art for the reasons set forth above

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in the previous paragraph. Correction is required. See MPEP § 608.01(b) .

4. Claims 1-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following functional passages fail to be supported by enabling structure; i.e. the recited structure, to that point in the claim(claims), will not necessarily produce or sustain the claimed results as indicated by the passage: "undergo an internal change in structure...produce a force or force set"(e.g. Cl.1, lines 2-3).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1,2,16,17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Abujudom.

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Note, to the extent claimed, Abujudom's system 10 performs in a like manner to that claimed.

7. Claims 18,19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nakajima.

Note, to the extent claimed and understood, Nakajima's springs 20 read on the alloy member.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adachi, Kosugi, Giacomet, and Mizzi show devices using shape memory alloys for producing motion/actuation.

9. For a complete response applicant should identify how the claimed structure of his invention defines over **all** the art of record.

Moreover, where the applicant disagrees with the reasoning and/or application of the prior art on critical points of the claims, they should identify how the claimed structure of their invention defines over **all** the art of record not just the applied art.

Where applicant believes that the art is redundant and/or

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superfluous relative to the critical aspects of the claimed invention the applicant may simply state so in rebuttal summary.

10. Claims 20-21 are allowed.

11. Claims 3-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A.J. HEINZ whose telephone number is (703)308-1544.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist of Group 2700 whose telephone number is (703)305-3900.

A.J. HEINZ  
PRIMARY PATENT EXAMINER  
GROUP ART UNIT 2754

